

08 MAR 2000

## PATENT COOPERATION TREATY

7-21-99

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: PETER J. BUTCH, III  
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PCT

## WRITTEN OPINION

(PCT Rule 66)

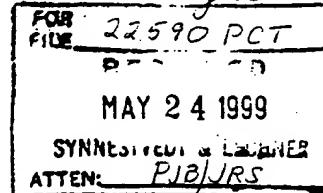
Date of Mailing (day/month/year)	21 MAY 1999
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Applicant's or agent's file reference  P22,590 PCT	REPLY DUE  within TWO months from the above date of mailing	
International application No.  PCT/US98/18816	International filing date (day/month/year)  10 SEPTEMBER 1998	Priority date (day/month/year)  10 SEPTEMBER 1997
International Patent Classification (IPC) or both national classification and IPC IPC(6): C08G 63/00, 63/02, 67/00, 69/00 and US CL.: 528/176, 193, 271, 272		
Applicant  RUTGERS, THE STATE UNIVERSITY		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I  Basis of the opinion
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement *Rutgers*
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application



3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.3(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.  
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 10 JANUARY 2000

Name and mailing address of the IPEA/US  Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  TERRESSA MOSLEY <i>S. Mosley</i> Telephone No. (703) 308-0651
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Form PCT/IPEA/408 (cover sheet) (January 1994)\*

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## WRITTEN OPINION

International application No.

PCT/US98/18816

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-40</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-40</u>	NO
Industrial Applicability (IA)	Claims	<u>1-40</u>	YES
	Claims	<u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-40 lack novelty under PCT Article 33(2) as being anticipated by USP 5,264,540, Kevin Cooper et al. Cooper et al. discloses an improved process for preparing an aromatic polyanhydride is disclosed.

The aromatic polyanhydride is prepared by reacting an aromatic dicarboxylic acid with an anhydride to form an anhydride prepolymer, isolating and purifying the prepolymer, and subjecting the prepolymer to melt polycondensation conditions. The improvement specifically relates to the purification of the acid so it is essentially free of impurities before it is reacted with the anhydride. The polymers prepared from the improved process have higher molecular weights than the molecular weights achieved from the prior art processes, and exhibit outstanding thermal stability and mechanical properties. This combination of properties allows the aromatic polyanhydrides to be melt processed to prepare numerous devices. In addition, these aromatic polyanhydrides are bioabsorbable, and this attribute in combination with its ability for melt processing makes the polyanhydrides particularly well-suited for the preparation of implantable surgical devices such as wound closure devices which are designed to absorb in the body when exposed to moist bodily tissue. Note applicants' "comprising" is open language and does not exclude those additional moieties etc. disclosed herein. In view of the above, there appears to be no significant difference between the reference and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

Claims 1-40 lack novelty under PCT Article 33(2) as being anticipated by USP 4,997,904 Abraham J. Domb et al.

Domb discloses an aromatic anhydride copolymers containing at least two aromatic diacid units, which are soluble in chloroform or dichloromethane to concentrations between approximately 0.5 to 50% weight/volume, melt at temperatures below 180.degree. C., and have low crystallinity are disclosed. The copolymers may contain (Continued on Supplemental Sheet.)